



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 26, 2010

Department: Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: APPEAL: Special Use Permit for Specific Uses for Contractor's Equipment Sales & Manufacturing, Assembling, Maintaining, and Repairing Mechanical Devices (CSU-90022/CO-20100002)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the November 4, 2009 public hearing, the County Planning Commission (CPC) voted (6-0, Commissioner Sanchez excused) to recommend approval of the request for a Special Use Permit for Specific Uses for Contractor's Equipment Sales & Manufacturing, Assembling, Maintaining, and Repairing Mechanical Devices on Tract 178B, MRGCD Map #27, located at 7420 2nd Street NW, zoned A-1 & C-1, and containing approximately 3.86 acres. The decision was based on the following seven (7) Findings and subject to the following nine (9) Conditions. (See Attachment 1—Notice of Decision).

The CPC found that the request to allow Contractor's Equipment Sales & Manufacturing, Assembling, Maintaining, and Repairing Mechanical Devices on the applicants' property is justified by changed neighborhood conditions, including an increased incidence of light industrial uses, adjacent to and nearby the site along Second St. The use had existed on the property for a number of years but was recently cited for non-compliance with the existing zoning. At the hearing, the CPC approved the request and a condition (Condition 6) to read as follows:

"There shall be no outside storage of material or debris." (See Attachment 4—Draft Minutes, CPC Hearing, pp.107, 118).

The applicant's agent is now appealing Condition 6 as recommended by the CPC (See Attachment 3—Appeal Justification, pp. 92-96). In the appeal justification, he states that the property owners still need to store their construction materials (pipes and metal stock) on a portion of the site which is screened by a solid wall. The agent therefore requests the rewording of the condition to delete the term 'material' and to prohibit only the storage of debris on the site, as shown on the site plan. Condition 6 would thus read as follows:

"There shall be no outside storage of debris."

Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 (see Attachment 5) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or
3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

ATTACHMENTS:	PAGE
1. County Planning Commission Notice of Decision Letter (November 9, 2009).	3
2. County Planning Commission Information Packet.	6
3. Appeal application and justification	91
4. Draft CPC Minutes, November 4, 2009.	98
5. Resolution 116-86	121
6. Site Plan, dated September 28, 2009 (Commissioners Only).	

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff recommends denial of appeal.